

**Remarks**

This Amendment is in response to the Office Action dated **October 15, 2007**.

Claim 5 has been cancelled. Upon entry of the amendment claims 1 - 4 will be pending.

Claim 1 has been amended without prejudice to subsequent submissions of subject matter in a continuing prosecution or continuation application. Amended claim 1 recites that the identifier is volume based and contains bubbles of random size, shape and arrangement which are clearly perceived in form size and relative position (see cancelled claim 5 and page 3, lines 23-30).

Claim 1 now further recites that the representation is an image (6), the stored image is retransmitted (see page 3, lines 30-32, and that the operator makes a visual comparison between the identifier (3) and the image displayed on the terminal (see page 3 lines 21-22 and page 3, line 32- page 4, line 2).

Entry of the amendments after Final is requested as the amendments put the application in condition for allowance or allowance or in better condition for appeal.

**Claims Rejections - 35 USC §103**

Claims 1-4 have been rejected as obvious from Farrall (GB 2,304,077) in view of Houvener US 5,657,389. Claim 1 has been amended to recite a volume based identifier containing bubbles of random size, shape and arrangement which are clearly perceived in form size and relative position. This amendment overcomes the rejection. Neither Farrall nor Houvener describes a method using a bubble identifier with bubbles of random size shape and arrangement. See ¶16 of the Final Action.

Claim 5 has been rejected as obvious from Farrall taken in view of Houvener, and further in view of Slater (GB 2,324,065). Claim 5 has been cancelled. The rejection is traversed to the extent it is considered applicable to amended claim 1.

As noted in the Final Action, neither Farrall nor Houvener describes a method using a bubble identifier with bubbles of random size shape and arrangement. See Final Action ¶16. The Final Action contends however that it would be obvious to use bubbles in Slater as an

obvious replacement for the identifiers of Farrall and Houvener.

Applicant has amended claim 1 to recite that the bubbles are clearly perceived in form size and relative position and that the comparison is a visual one. That is, the processing clerk makes a visual comparison of the volume based identifier containing self generated bubbles and its image transmitted from the database and uses that comparison in making a decision whether there is agreement. The visual comparison is not taught or suggested by the combination.

In both documents utilizing volume based identifiers (*i.e* Farrall and Slater), an automatic reader is used. In Farrall, it is necessary to have an Automatic Teller Machine having sensor/detector. See page 9, paragraphs 4 and 5. In Slater, it is also necessary to use an optical reader and a manner to code the identifier (see page 7 lines 19-22 and page 10 lines 7-14 and 20-24). Thus both documents contemplate that a volume based identifier attached to a credit card or banknote would necessitate the use of a specialized reader at each location where the card or note is presented. Neither document suggests that a visual comparison of the volume based identifier would provide an adequate basis for authorization of a transaction.

In the system of Houvener, the digital photograph of the person or the signature of the person is displayed on the display means in order for the clerk to compare it with the physical appearance or the signature of the person. So in case of Houvener, the card is necessarily linked to a person through its picture or its signature. In the invention as recited in amended claim 1, the link is not tied to a person, but instead is tied to the card itself. Further, the visual comparison of a face to a picture is a familiar task for everyone. Similarly, visual comparisons of signatures is a task familiar to clerks processing credit transactions. This not true for visual comparisons of bubble patterns in a volume based identifier. For these reasons the visual comparison recited in claim 1 is not one that is obvious from the tasks taught in Houvener.

There is no teaching in any of these documents to use a visual comparison on a volume based identifier on a card as the basis of an authentication. In the context of a credit card transaction, the combined teachings the three documents do not suggest that a visual comparison can be an adequate technique for discriminating enough information from a volume based identifier to provide a suitable basis for a transaction authorization decision. They clearly suggest to the skilled person that an automatic reader will be needed at each location where the card will

be presented.

At least for the reasons given above the subject matter of claim 1, as presently amended is not obvious from the combined teachings of Farrall, Houvener, and Slater.

Withdrawal of this rejection is therefore respectfully requested.

### **Conclusion**

In view of the foregoing amendments and remarks the application is seen to be in condition for allowance. Early and favorable action thereon is respectfully requested.

Respectfully submitted,  
VIDAS, ARRETT & STEINKRAUS

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By: /Walter J. Steinkraus/  
Walter J. Steinkraus  
Registration No.: 29592

6640 Shady Oak Dr., Suite 400  
Eden Prairie, MN 55344-7834  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001